

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

February 19, 2002
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Degginger, Councilmembers Creighton, Davidson, and Noble

ABSENT: Councilmembers Lee and Mosher

1. Call to Order

The meeting was called to order at 8:02 p.m. by Mayor Marshall, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers except Mr. Lee and Mr. Mosher were present. Mr. Noble led the flag salute.

3. Communications: Written and Oral: None.

4. Reports of Community Councils, Boards and Commissions: None.

5. Report of the City Manager

City Manager Steve Sarkozy noted a report in Council's Desk Packet regarding a Comprehensive Plan Amendment (CPA) request by The Boeing Company to rezone approximately 94 acres in the Eastgate area from light industrial to office and limited business. Last week, Boeing revised that request to include a 16-acre allocation for open space and park development should the City Council decide to purchase property in that area. This amendment would shift the development potential from their previous proposal farther south and closer to I-90. Mr. Sarkozy said staff will keep Council and the public updated as this issue develops.

Mr. Sarkozy announced that Bellevue police officers have ratified a proposed collective bargaining agreement by a vote of 89 percent. The proposed agreement is consistent with Council's directive to provide appropriate compensation for the officers' high level of performance on a daily basis. The contract will be presented for Council action on February 25.

Deputy Mayor Degginger noted that a portion of the Boeing property mentioned by Mr. Sarkozy served as a landfill in the past. Mr. Sarkozy said any potential purchase of the parcels would be

subject to the City's due diligence to determine the viability of park development on the property.

Responding to Mayor Marshall, Mr. Sarkozy said potential park uses for the site include active recreation such as sports fields. He confirmed that any park development would be subject to the City's regular master planning process including environmental review and public involvement.

6. Council Business

Councilmembers' reports were provided in the earlier Study Session.

7. Approval of the Agenda

➡ Deputy Mayor Degginger moved to approve the agenda, and Mr. Noble seconded the motion.

➡ The motion to approve the agenda carried by a vote of 5-0.

8. Consent Calendar

Dr. Davidson pulled item 8(i) for Council discussion.

➡ Mr. Creighton moved to approve the Consent Calendar, as amended, and Mr. Noble seconded the motion.

➡ The motion to approve the amended Consent Calendar carried by a vote of 5-0, and the following items were approved:

- (a) Minutes of January 28, 2002 Extended Study Session
Minutes of January 29, 2002 Special Meeting
Minutes of February 4, 2002 Study Session
Minutes of February 4, 2002 Regular Session
Minutes of February 7, 2002 Special Meeting
- (b) Resolution No. 6662 authorizing execution of a third amendment to the professional services agreement with J. Richard Aramburu to provide legal representation to the East Bellevue Community Council in regard to the pending litigation concerning the Traffic Standards Code, Ordinance No. 5081, increasing the total amount of the contract by \$8,000 to an amount not to exceed \$88,000.
- (c) Motion to cancel the March 11, 2002, Extended Study Session due to lack of a quorum.
- (d) Motion to approve payment of claims for the period ending February 8, 2002, and payroll for the period January 16 through January 31, 2002.

- (e) Resolution No. 6663 authorizing execution of agreements for Public Defense Services for 2002 and 2003 with Tucker & Stein, P.S., and the Amini Law Firm, P.S., to provide public defense services for indigent persons accused of violating Bellevue City ordinances for an estimated annual total for both contracts of \$309,600.
- (f) Resolution No. 6664 authorizing execution of all documents necessary for the acceptance of specific open space tracts from the VueMont South Community Association, a non-profit corporation, in order to provide maintenance in this native growth protection area.
- (g) Ordinance No. 5357 regarding the Bellevue City Code; increasing the flexibility of signage use and modifying provisions regarding temporary event signage; amending Section 22B.10, paragraphs 010, .020, .030, .040, .090, .120, .130, .150, .160, .180, Section 1.18.040, and Section 1.18.050, and adding new Section 22B.10.025.
(Brought forward for action following Council discussion and policy revisions provided on November 26 and December 10, 2001.)
- (h) Resolution No. 6665 authorizing execution of an agreement with Yakima County for housing Bellevue inmates in the Yakima County Jail and an interlocal agreement with the City of Renton for temporary custody of Bellevue inmates at an estimated annual cost between \$470,000 and \$580,000.
(Brought forward for action following Council discussion and direction provided on January 28, 2002.)
- (j) Resolution No. 6667 authorizing execution of a consultant agreement with W&H Pacific to provide construction inspection services for CIP Plan No. PW-I-81, 112th Avenue NE Improvements, and NE 2nd Street Extension Sub-project of CIP Plan No. PW-I-46, I-405/Bellevue Downtown Access Project, in an amount not to exceed \$170,000.
- (k) Ordinance No. 5358 amending the 2001-2007 Capital Investment Plan by reducing the fund appropriation by \$9,059,000 within CIP Plan No. PW-I-46, I-405/Bellevue Downtown Access Project, to reflect a change in Lead Agency status in the remaining TEA-21 High Priority Demonstration Grant Funds and adjusting other grant and outside grant match revenues to be consistent with actual funds received.
- (l) Motion to award Bid No. 0204 to replace aging water main asbestos cement pipe on portions of NE 40th Place and NE 23rd/24th Street in the amount of \$222,758.01 to Bonner Brothers Construction as low bidder. (CIP Plan No. W-16)

Item for Council Discussion:

- (i) Resolution No. 6666 authorizing execution of easements with Bellevue School District No. 405 (Sammamish High School) for the 140th Avenue Corridor Improvement Project for a purchase price of \$188,150 plus closing costs estimated at \$1,500. (CIP Plan No. PW-R-103)

Dr. Davidson said both sides of 140th Avenue are under construction and members of the West Lake Hills Citizen Advisory Committee have requested a temporary walkway on one side of the street.

Transportation Director Goran Sparrman noted that the project will ultimately provide a center median, sidewalks and bicycle lanes on both sides of the street, and a sound abatement wall. The City's agreement with the contractor performing the work includes a provision for temporary pedestrian facilities during construction. Mr. Sparrman said there were a couple of instances in which a subcontractor stored materials in the temporary pedestrian walkway but the problem has been corrected. He encouraged Councilmembers and residents to contact the Transportation Department (Phone number: 452-4338) if they observe additional problems with this project.

Dr. Davidson recalled his previous request for staff to look into residents' request for a reduced speed limit on SE 6th Street, a cul-de-sac between multifamily dwellings. Mr. Sparrman said the issue has been assigned to the Traffic Management division and a full report will be provided to Council once staff completes its review.

- ☞ Dr. Davidson moved to approve Resolution No. 6666, and Mr. Degginger seconded the motion.

Mr. Noble said it is especially muddy along 140th Avenue between NE 4th Street and Main Street. He travels the road frequently and did not see a temporary walkway over the weekend. He said the contractor should be providing a walkway if that is included in their contract with the City. Mr. Sparrman assured Council that staff will continue to monitor the situation.

- ☞ The motion to approve Resolution No. 6666 carried by a vote of 5-0.

9. Public Hearings: None.

10. Land Use

- (a) Ordinance No. 5359 reclassifying property located in the Crossroads Subarea from OU, O, and PO, to R-1, R-2.5, R-4, R-10, R-15, and (O) Office on request of the City of Bellevue and known as the East Bellevue Rezone Project.
(Discussed with Council on February 11, 2002.)

Deputy City Attorney Richard Gidley discussed Council's procedures regarding ex parte communications about quasi-judicial matters. On February 11, an email with an attachment from Scott Leonard was sent to a City employee and the City Council. The subject line of the email did not identify the East Bellevue Rezone Project. Mr. Gidley said no member of the Council may have ex parte communications with opponents or proponents of a quasi-judicial

matter unless two requirements are met: 1) the substance of the ex parte communication must be placed on the record, and 2) a public announcement of the content of the communication and of the right to rebut the substance of the communication must be made at each hearing in which action is considered or taken on the matter. Mr. Gidley noted that Councilmember Mosher disclosed he opened and read the attachment relating to the rezone. Because the communication had been read, the City Clerk was directed to make it a part of the record. The public was notified at Council's February 11 Extended Study Session of the content of the letter and the right to rebut the substance of the communication.

Mr. Gidley reviewed the substance of Mr. Leonard's communication. Mr. Leonard provided background information regarding his understanding of the history of the rezone, particularly in relation to Parcel 4 and the community's displeasure over the zoning granted to the properties in Parcel 4 in 1995. Mr. Leonard indicated that the 1993 Comprehensive Plan did not include multifamily zoning for Parcel 4. He discussed the rezone criteria and explained why he believes the criteria have not been met. Mr. Leonard urged the preservation of single-family housing and the natural environment in the Lake Hills area. He requested that Council amend the Comprehensive Plan to return Parcel 4 to its zoning status from 1993.

Mayor Marshall asked whether anyone in the audience would like to rebut the substance of the communication. No one came forward to comment.

➡ Deputy Mayor Degginger moved to adopt Ordinance No. 5359, and Mr. Creighton seconded the motion.

➡ The motion to adopt Ordinance No. 5359 carried by a vote of 5-0.

11. Other Ordinances, Resolutions and Motions: None.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New business: None.

15. Executive Session: None.

16. Adjournment

At 8:20 p.m., Mayor Marshall declared the meeting adjourned.

Myrna L. Basich
City Clerk

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